

# **TOWN OF STOW PLANNING BOARD**

Minutes of the September 22, 2009 Planning Board Meeting.

Present: Planning Board Members: Kathleen Willis, Leonard Golder, Steve Quinn, Ernest  
Dodd and Lori Clark  
Associate Member: Bruce Fletcher  
Planning Coordinator: Karen Kelleher  
Administrative Assistant: Kristen Domurad

The Meeting was called to order at 7 P.M.

## **PUBLIC INPUT**

No public input.

## **PLANNING BOARD MEMBER'S UPDATES**

### *Elementary School Building Committee*

Steve Quinn reported the committee would be meeting with the MSBA on September 30, 2009 to negotiate the reimbursement amount.

### *Master Plan Committee*

Kathleen Willis told the Board the committee would be meeting next on September 30, 2009

### *Pedestrian Walkway Sub-Committee*

Lori Clark commented on the first committee meeting as being extremely successful with action oriented and enthusiastic new members. Kristina Wile was appointed as the new chair and Martha Monroe was appointed as the clerk. The committee will plan to meet once a week on Wednesdays at 7P.M.

## **PLANNING COORDINATOR'S UPDATE**

Karen Kelleher notified the Board that Connie Schwarzkopf wrote in a complaint to eliminate one lot in the Derby Woods Development.

Karen updated the Board on the gentleman that came in asking about approval for a drive through coffee shop on Great Road, Karen relayed the Board's message that they would not be likely to approve it as it goes against the zoning bylaws.

## **DISCUSSION/ACTION ITEMS**

### **Draft Master Plan Comments on Chapters 5 and 6**

The Board discussed the comments submitted by Ernie Dodd, Kathleen Willis and Lori Clark from Chapter 6. (See attached)

### **Discussion of Coler and Colantonio's Presentation**

Kathleen Willis updated the Board that Coler and Colantonio followed the meeting up with a nice thank you letter for having them at our meeting. The Planning Board will be sending out an official thank you letter as soon as possible. The Board felt that the engineering group was very insightful how they approached projects and gave the Board a lot of ideas on how to proceed. Kathleen Willis believed Coler and Colantonio would be good asset to have because they lobby in Boston on behalf of their projects.

Ernie Dodd commented that the Planning Board would need the Highway Department involved with this project. Kathleen Willis mentioned talking with the Street Superintendent a few days after the meeting expressing that their involvement would be greatly appreciated and necessary for the project.

- Kathleen Willis and Lenny Golder both mentioned the importance of focusing on the project goals for Lower Village instead of the proposed remedies.
- Steve Quinn reiterated having a Master Plan for the Lower Village that sets out steps to take with funding sources outside of the town's funds would be beneficial
- Lori Clark's main take away from the presentation was remaining flexible about alternative solutions to achieve ones goal as Norfolk did with their downtown.
- Lori also mentioned the importance of the 25% design scheme and survey.
- Ernie Dodd suggested holding a "goals" working meeting to set up their vision for Lower Village and send this to the Board of Selectman after hearing the Lower Village Committees final report, but also sending the Board of Selectman a notice about the beneficial topics discussed at the Coler and Colantonio meeting.

The Board decided to schedule a working meeting at a later date.

### **Update and Preparation for Wedgwood Pines CC Public Hearing**

Kathleen Willis encouraged the Board to read though all documentation and past decisions on the special permit for the original and proposed rezoning of the 1 ½ acre parcel proposed by Mr. Pittorino.

Kathleen Willis stated she feels strongly about remaining consistent when making decisions and keeping in mind the potential repercussions of supporting such changes, which could affect other parcels zoned Recreation/Conservation.

Steve Quinn questioned if the Board could negotiate with the owners to rezoning a second time.

Karen Kelleher advised him there is not legal restriction against the rezoning. Some Board members had questions about the original rezoning. Karen clarified that if Mr. Pittorino proposed the 1½-acre residential zone when they proposed the rezoning of their golf course, it would have still been acceptable. She answered Steve; letting him know that Mr. Pittorino expressed his motivation is to build a house for his daughter on land he already owned to save on the cost. He told Karen he wished he had thought of it when he originally rezoned the area.

Karen Kelleher also assured the Board that the parcel being proposed would not create spot zoning because it is contiguous with other residential land.

Ernie Dodd mentioned that there are still golf cart paths on the parcel being proposed, Karen said there would need to be a new plan created if they decide to move the cart paths.

Kathleen Willis expressed that although there does not seem to be frontage or technical concerns, she is **still worried about the impact on other parcels in town and remaining consistent.**

**Ernie Dodd mentioned that rezoning proposals that were somewhat similar in the past did have some large differences, one being not enough frontage for a residential lot.**

Kathleen Willis reminded the Board to review these items before the public hearing as a recommendation to the Financial Committee is needed, though the outcome ultimately remains with the voters.

### **Update and Preparation for Zoning Bylaw Amendments Public Hearing**

Kathleen Willis spoke about the two main questions raised at the Financial Committee meeting on the proposed bylaw amendments. One was; re: Article #11, if the intent is to be consistent with Stow wetlands bylaws then they would also need to coincide with conservation commission bylaws.

Ernie Dodd recommended referencing article 9.

Kathleen commented that concerns were also raised about the 4<sup>th</sup> bullet on Article #11, which states at least 75% of minimum lot area not have a natural slope of 20% or more.

Karen Kelleher told the Board that their engineer, Sue Carter, suggested they have a fact sheet to hand out. She said the bylaws would be more restrictive but it would give more safety to abutters from unwanted erosion and ensure proper drainage, safety in terms of access, quality of life for future home owners, and would positively effect ground water break out.

Karen Kelleher suggested thinking about the importance of these restrictions in subdivisions especially modifying the bylaws for roads in subdivisions not just the lot. Steve Quinn suggested restricting a subdivision road so it can't go over a 10% grade or whatever the threshold is.

Bruce Fletcher questioned if current buildable lots, already subdivided, would be under restriction from this new bylaw, Karen Kelleher said that if they were existing single lots they would be grandfathered. Steve Quinn questioned if the changes with the floor area requirements might be too restrictive, adding an example of a 1-acre lot that has 33% buildable space but a ledge area, which would restrict the building of a home. He wondered if the Board could then waive the rules and regulations if a proposal is reasonable.

Kathleen Willis discussed information she received from Craig Martin, he stated that there could be discrepancy here, where an engineer could really make anything "buildable" even on a ledge. Kathleen also stated that there is less and less flat land in town so they will be getting more applications overtime with varying land grade and should have something to address this.

Kathleen Willis reminded the Board to review these items before the public hearing so they can properly give their position, and to email Karen Kelleher with further comments before Oct. 13th.

## **PUBLIC HEARING**

Commenced at 7:30P.M.

*Wildlife Woods Subdivision: Clarifying the intentions of the open land parcels*

Ernie Dodd recused himself from the hearing.

Kathleen Willis read the Rules of Conduct to the public and Board. She then explained the public hearing topic and described the request of the Board of Selectman to clarify the intent of the use of open land in Wildlife Woods so it is not ambiguous. Kathleen expressed that there had been some inconsistencies in the Planning Board's by-laws considering the term OPEN SPACE as a defined term verses open land, which is not. She further explained, as a result of this discrepancy, the Board has proposed amendments to the zoning by-laws to add and define the term PASSIVE RECREATION.

Kathleen begun by reading a letter submitted by Mark White (developer of Wildlife Woods) and his intentions of the open land in the subdivision. She then asked for Planning Board member's thoughts.

Lenny Golder stressed the importance of specifying the use of the land first and then discussing if the uses proposed by the Recreation Department and others would meet its criteria.

Bruce Fletcher asked if a conservation restriction was required in the original decision. Karen Kelleher advised Bruce that a conservation restriction would have been required if it was retained in the homeowner's association but not if it was conveyed to the town, which it was.

Karen Kelleher explained the purpose of a PCD (Planned Community Development) and then the defined term OPEN SPACE, which would permit playing fields. Planning Board expressed that they realized this

was not the intent of the Bylaw or how Massachusetts General Law defines a Planned Community Development and have pursued the above mentioned proposed bylaw amendment.

Kathleen Willis asked for the public's opinion and fielded comments:

*Lisa, 14 Foxglove Lane: Asked if the Planning Board received legal opinion and if they could share this with the public.*

Kathleen read Jon Witten's email.

*Resident Lisa: expressed as a homeowner who had purchased in the area after reading very carefully the homeowners documents, she would have not bought in Wildlife Woods had she thought the open space land would be used for recreation. She was also surprised that the land was turned over to the town and was under the assumption it would have become conservation land.*

*Resident Janet Stiles, 58 Pine Point Rd.: Asked the Board to summarize the proposal of the Recreation Commission so all attending would be on the same page.*

Mike Busch representing the Recreation Commission expressed that he was surprised there was no homeowner's reaction at the town meeting when the land was turned over to the town.

*Resident Anthony Paronell: Mentioned that the homeowner's association was not organized then, but they are now, and most people were unaware of the issue being proposed at town meeting.*

Mike Busch explained that the Recreation Commission plans for the land if they acquired it would be for passive recreation, passive meaning walking down trails, and nature watching.

Jim Henry from the Recreation Commission expressed that if they wanted to put in fields they would choose larger parcels that were closer to the center of town and the only intent the recreation commission wanted was for a canoe launch.

*Resident Dan Nichola: commented that there is parking at Pine Bluffs and people have launched kayaks canoes here, but there isn't much traffic because there isn't a high demand for it. He felt that the Recreation Commission was stating a need that doesn't exist.*

Mike Busch explained that there is not an appropriate canoe or kayak access at Pine Bluffs because of the mix with swimming and because people have to walk about a ½ mile to get to the water from the parking lot.

*Resident Kelly Prior: Mentioned a launch off Sudbury Road to Lake Boon where people go there frequently from town.*

Mike Busch explained that the launch off Sudbury Road is very deep and people would have to get wet. He talked about the Recreation Commission's desire is to extend the Pine Bluffs Park with land to connect walking trails and that if the land went to Conservation Commission there would be less restrictions than it would if it went to the Recreation Commission.

Jim Henry said that many residents wanted the Recreation Commission to look into building fields when developers are building in order to get "free" land from them, so they are trying to take the advice of the residents by proposing the open land in Wildlife Woods for recreation land.

Kathleen Willis stated there is an easement 20-30ft. wide that already adjoins the trail.

Mike Busch said he had tried to continue dialogue with the Wildlife Woods developer about having a trail run through Pine Bluffs to Rice Road and Wildlife Woods and acquiring the land around Kingland Rd. to Gain Rd.

Jim Henry felt that if the zoning by-laws were changed so that a PCD can only have passive recreation in the future, recreation will never receive any land through a building development and the town will have to purchase it.

*Resident Pete Rhodes, Sudbury Rd.: Who also owns land on Kingland Rd., explained his experience launching his motorboat off the parcel on Kingland Rd. He said there is no way to turn around and the road is very tight, in order for the Recreation Commission to have a boat launch they would also need to construct a parking lot and possibly a two lane road.*

*Resident Terry, 67 and 63 Kingland Rd.: She commented about the Recreation Commission coming to the table retrospectively in acquiring land from the developer although she appreciates them trying to acquire land in alternative ways. She also said that when she bought her property she was assured a buffer and she does not support a parking lot.*

*Resident Dave Alter, 21 Woodland Way: Asked why they were discussing what people want to do with the land, it was his impression the public hearing was to understand the original decision for the use usage.*

Kathleen Willis expressed that she wanted to give the Recreation Commission time to state their plan and desire for the land so it would be out in the open.

*Resident Dave Alter said that he knew the open land would be given over to the town when he read the homeowner's documents but also read that the land would be kept in its natural state. He also commented on the term "free land" used by Jim Henry, expressing that it was not free, and the people who live in Wildlife Woods paid for it and are taxed on it. He said if the land was not to be kept in its original state he wouldn't have bought his home there.*

*Resident Anthony Parrinello, 32 Whispering Way: Stressed that everyone is a part of this community and they all have similar needs, but everyone needs to make sure it is transparent. He asked the Recreation Commission if there was ever a survey taken to better understand the need of a boat ramp. He felt that if people were behind the desire for a boat ramp in the area than they would be campaigning for it, but people were clearly not.*

Mike Busch said that the whole process should have been transparent for everyone, as abutters they all received a notice and there are always notices published in newspapers, at the town building, and on the town website. He said again that the Recreation Commission would not want to turn the area into fields because there are too many abutters against it. He then said whatever the residents wanted than it was fine with him.

*Janet Stiles 58 Pine Point Rd.: Spoke against a canoe portal, stating that the lake is in crisis from over use. She posed residents to think about how the Recreation Commission currently upkeep Pine Bluffs, stating she believes it is poorly maintained and worries that the same will happen with their proposed idea. She agreed with resident Kelly Prior that they have a boat launch in a neighboring town that gives them access to their lake.*

*Resident Jon Lent, 18 Foxglove Lane: Asked if the conveyance of the land to the town was valid*

Kathleen Willis said the Board was advised that the developer Mark White notified the homeowner's. Karen Kelleher explained that the Board of Selectman at the time accepted the land.

*Resident Jim Boyle, 8 Foxglove Lane: Wanted to make sure "passive recreation" did not include motorized vehicles.*

Kathleen Willis explained that the proposed bylaw amendments (which will be discussed at a public hearing October 13<sup>th</sup>) addressed the definition of "passive recreation."

*Resident Gordon Watson, Cardinal Court: Asked if it could have been an option for the homeowner's to keep the land at the time instead of passing it on to the Board of Selectman and town.*

Kathleen Willis explained that the bylaw allows the land to remain with the homeowner's associate as an option, but a conservation restriction would be required. She told the public that the Board had received notification from Mark White that all residents had been notified, because there had seemed to be some missing pieces in this matter Kathleen said she would look into the problem.

Steve Quinn reminded everyone that town meetings are open to the public and encouraged everyone to take part.

*Resident: Asked if there was a problem with the original warrant*

Lenny Golder explained that the town cannot supersede Mass General Laws, but they can make their laws more restrictive.

*Resident Kelly Prior, Davis Road: Asked if the town could give back the land.*

Kathleen Willis clarified that if the residents believe they want the open land back from the town, they can form a resident's petition and ask for it.

Bruce Fletcher added that it would be subject to a vote at town meeting.

*Resident Ernie Dodd: mentioned that there are easements for septic and wells and there is also a small area designated for a recreation use by the residents. He mentioned that it might be difficult for the conservation commission to accept the land because there are easements for septic and wells.*

Kathleen Willis suggested the residents seek out the Selectman if they are interested in pursuing the land. She also encouraged the residents to voice their concerns to the Board of Selectman so they understand the Wildlife Woods resident's sentiment about the open land.

*Resident Janet Stiles asked how much the town paid for the land.*  
Kathleen Willis explained it was just a transfer of land.

*Resident Alexander, 29 Woodland Way: Asked if the Board makes these changes does it preclude any future changes to be made by a future Planning Board?*

Kathleen Willis explained that it could be changed, but by modifying both the bylaws and the use of the land to better match the intention of Mass General Law concerning PCDs, it would be difficult to do.

Lori Clark reminded residents of the October 19<sup>th</sup> town meeting where they can vote on the modification of the bylaw, she mentioned that the zoning bylaws would likely be later in the night due to the School Building precedes it on the agenda.

Kathleen Willis reiterated the importance of public participation at town meetings and that staying late would be crucial because typically only those with vested input will stay.

*Resident from Cricket Court: Asked if there was anyway to have an absentee ballot for those who cannot attend to vote.*

Karen Kelleher advised him to talk with the Town Clerk or Town Moderator about the agenda schedule.

*Resident Ames Coney, 371 Sudbury Rd. (almost an abutter): Was concerned that the land is not currently being monitor to keep motorized vehicles out where signs are posted. He said often times signs get knocked down in the winter and are not put back up.*

*Resident Janet Stiles: Believed certain state environmental regulatory agencies are responsible for keeping the motorized vehicles out.*

*Resident Dan Nicholson: Voiced his concern that Pine Bluffs is under managed, and feels the Recreation Commission is already overwhelmed with the current projects. He said he noticed buoys, poles and rafts that were still in the water when lifeguards are off duty for the season-which poses a safety concern. The resident felt that Pine Bluffs was an urban park. He expressed that the Recreation Commission produces some great projects but believes they should fix their current sites before acquiring more. He expressed interest in helping the Commission potentially with volunteer work.*

*Resident: Asked Mike Busch how the town could fix up Pine Bluffs, and when the Recreation Commission meets. He said he would be willing to help.*

*Resident: Asked if the Board could clarify the processes they would take and what their next step would be.*

Kathleen Willis explained again that the hearing was to give the Planning Board a sense of what the residents and public wanted and told them that they have reopened the special permit to specify open space use as passive recreation. She told the public that the next step would be to modify the special permit and vote on it.

Kathleen Willis thanked the public for their thoughts and concerns, and thanked the Recreation Commission for coming to clarify their intent for use of the land. She reminded the attendees that the ultimate decision is with the Planning Board.

*Resident: Wanted to know if notices could be given out via email instead of regular mail.*

Karen Kelleher advised him that due to Mass General Law the town is required to go through the regular mail for it to be a proper notice.

***Kathleen Willis called for a motion to close the public hearing. Lori Clark Moved to close the public hearing on the discussion of land usage for the Wildlife Woods Subdivision open space. The motion was seconded by Lenny Golder and carried by a vote of four in favor (Steve Quinn, Kathleen Willis and Lenny Golder, Lori Clark.)***

### **Discussion of Public Hearing**

Kathleen Willis ask Karen Kelleher to compile a set of findings which were presented at this public hearing as well as the correspondence received prior to.

Steve Quinn felt the land should have been kept with the homeowners to begin with, but since it was not, the Planning Board, after hearing the residents' comments and correspondence mentioned above, should clarify the uses in to specify passive recreation.

Lori Clark questioned if Mark White's letter to the residents was actually quoting the findings (9.14 and 9.15) not the conditions.

Lori Clark asked if the homeowner's deed was available, Karen advised the Board it is in the Subdivision file. Lori also commented on the pretense at which the homeowners bought in the Wildlife Woods—keeping the land in its natural state.

The Board revisited Jon Witten's advice, which supported the Board vote to keep the land as open land so it better mirrors Mass General Law. They also discussed the overwhelming turnout of residents strongly voicing against the use of active recreation in the land, or any other use than keeping it in its natural state.

The Board discussed how they would amend the special permit, in order to leave out any ambiguities and to define the term "passive recreation" in the special permit to cover any discrepancies until the bylaw is accepted at town meeting. They also discussed writing in the language of the conditions, "as shown on plan", to clarify which parcels are open land.

Karen Kelleher suggested the Board add concerns about parking lots, driveway and motorized vehicles to the findings.

***Lenny Golder motioned to modify the decision of the special permit for the usage of the Wildlife Woods open space land to take into consideration the documentation, information from the residents, and the new findings and conditions the Board has discussed this evening. The motion was seconded by Steve Quinn and carried by a vote of four in favor. (Steve Quinn, Kathleen Willis and Lenny Golder, Lori Clark.)***

Karen Kelleher suggested she draft the language for the findings and conditions for review at the next Planning Board meeting. She advised the residents and public that the modification would be recorded and abutters would be notified by mail of the Planning Board's decision.

***Steve Quinn moved to enter into Executive Session for the purpose of discussing ongoing litigation and to return to adjourn at the conclusion of Executive Session. The motion was carried by a unanimous roll call vote (Kathleen Willis, Steve Quinn, Lenny Golder, Ernest Dodd and Lori Clark).***

The meeting adjourned at 11:20 p.m.

Respectfully submitted,

Kristen Domurad  
Administrative Assistant



# Memo

**To:** Master Plan Committee  
**From:** Planning Board  
**Date:** September 23, 2009  
**Re:** Draft Master Plan – Chapter 6, Open Space and Recreation

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At its meeting of September 22, 2009, the Planning Board reviewed the Draft Open Space and Recreation Section of the Master Plan and offer the following comments:

Page 76 (OSRD)

The Planning Board supports the idea of some type of OSRD for the Golf Course properties in order to maintain scenic vistas.

Page 77(Farms)

The Planning Board supports the idea of some type of OSRD for the Farms and/or encouragement for Agricultural Preservation Restrictions.

Page 80 (Chapter 61 Chart)

The chart is incomplete.

Page 81 (Section G, Commonwealth Capital Program)

While we agree in principal that we should work to continue to increase its Commonwealth Capital score, some of the State's Sustainable Development Principles are not in keeping with Stow's goals. We would not want the Master Plan to include a blanket statement that we should raise the score, as this could result driving action items in conflict with other goals.

Second paragraph of Section G, line 7 – Change the words “, and that when possible, it” to “and continue to”

Page 81 (Section H, Bylaws and Regulations to Protect Open Spaces)

The language in this section indicates lack of water and sewer means we promote urban sprawl. It should be noted that lack of water limits build out. We should be cautious about the statements in this section, as it could be interpreted that we want public water and sewer throughout Stow.

Page 82 (Section H, Bylaws and Regulations to Protect Open Spaces)

First paragraph, line 6 – Change “a problem” to “an issue”.

Page 82 (Section J, Encourage Agricultural Based Businesses)

The Master Plan should include a recommendation on how the town can support Bed and Breakfasts.

Page 83 (Section K.2, Passive Recreation)

Include Wildlife Woods, Trefry Lane and Derby Woods Open Space parcels.

Page 84 (Section K. 2.e, Lake Boon)

Change reference from “Lake Boon Association” to “Lake Boon Commission” and move this section to Section 5. This section should indicate that Lake Boon provides opportunities for boating, swimming and wildlife preservation.

Page 86 (Section M, Action Items)

There is nothing in this section that ties some of the recommendations (Mixed Use Development, Scenic Roads Preservation Bylaw and Sidewalks). There is no connection to the rest of the document.